





# ALBANY DEMOCRATIC REFORMER.

[FROM THE ALBANY EVENING ATLAS.]

## CONSTITUTIONAL REFORM ASSOCIATION OF THE CITY OF ALBANY.

*At a meeting of the CONSTITUTIONAL REFORM ASSOCIATION of the city of Albany, held in the city of Albany, on the 6th day of August, 1844, the following address was unanimously adopted and ordered printed:*

After the close of the legislative session of 1843, in which the Peoples' Resolution of Amendment to the Constitution was defeated, the question of calling a Convention to propose amendments to the Constitution was seriously agitated. The fate of the Peoples' Resolution—an amendment which provided for the submission to the people of every law creating a State debt, or loaning the credit of the State to corporations, had created a feeling of distrust in the capacity or willingness of the legislature to provide safeguards against the extravagance of legislative bodies, their folly, or their corrupt and culpable weakness. This resolution, designed for future protection, was first brought forward by Mr. Loomis of Herkimer, in the session of 1841, when the Democratic party were in a minority. It received fifty-three affirmative votes to fifty-three negative, and was lost. It was then the measure of the Democratic party, and constituted the prominent issue in the ensuing political contest; was placed at the head of the Albany Argus, then supposed to speak the voice of the Democratic party, and to favor the ultimate adoption of the proposed amendment, and was also earnestly urged as a Democratic measure in their primary assemblies and in their conventions. In that contest, under the issue presented by this amendment, and the kindred financial policy of MICHAEL HOFFMAN, recommended to the legislature of 1841, and subsequently adopted, the Democratic party achieved a signal triumph in the State. Both branches of the legislature were Democratic by decided majorities. The financial policy of Mr. Hoffman was adopted, and so urgent and obvious was the necessity which called for it, that the Whig Governor, after having recommended at the opening of the session of 1842, the continuance of the Whig policy of increasing the debt, was obliged to assent to and approve the bill. The anti-debt resolution of Mr. Loomis failed of adoption; its consideration in the house of Assembly having been refused by a vote of 59, (30 of whom had been elected as Democrats, and 29 Whigs,) to 54, all of whom were democrats. This vote against the consideration of this amendment was the first official indication that a portion of the Democratic party was unwilling to cede to the people this guaranty against the future excesses of legislation, and was disposed to leave open the question of a resumption of future ruinous expenditures, and the enlargement of the volume of public

debt, already swollen to the point of explosion in bankruptcy.

The policy of the memorable session of 1842 was adopted, and so far as a law, claimed by the Whigs and their associate Democrats to be repealable at the will of a majority of the legislature, could do, it provided the means for payment, and ample guarantees against a further increase of the debt of the State. The Democratic party maintained this issue, thus presented by this policy, with zeal and fidelity in the fall election of that year, and Gov. Bouck, who in the preceding contest had been defeated by a majority of about five thousand, was elected by upwards of twenty thousand majority. He was elected on this popular measure, and pledged by the highest considerations to carry it out. The Democratic party had adopted it, and had before his election constituted an administration to sustain it. No considerable portion of the people knew, at the time of the election, that Wm. C. Bouck had opposed the adoption of this financial system, nor did they anticipate that if elected to the office of Governor, he would be hostile to it. The first intimation which the people had of his indisposition to sustain that policy, were the indications furnished by the silence of his first annual message in respect to this measure. The subsequent defeat in the house of Assembly of the amendatory resolution, by forty-eight votes against it to forty-five in its favor, was the legitimate interpretation of this silence. The vote against the passage of that resolution was composed of 24 Whigs and 24 Democrats. Several of the Democratic members were absent when the vote was called, a few from ill health and more from less excusable infirmity. In that session, also, the policy of '42 was attacked by the passage of a law releasing the priority of the State mortgage of \$3,000,000 on the New-York and Erie Railroad; and the integrity of the constitution itself was boldly and in high quarters assailed, by the assertion of the superior binding force of legislative precedent over the plain and solemn enactments of the constitution. This doctrine, at variance with every principle of Democracy and of civil liberty, stands as the deliberate creed of a portion of the Democratic party, and from the countenance it has received threatens the subversion of all constitutional guarantees, and the destruction of all that is valuable in our institutions.

This defeat of the anti-debt resolutions in three consecutive sessions; the solid array of the Whig forces against them; the union with the Whigs on a question so vital to the integrity and harmony of the Democratic party, of a few representatives elected as democrats, had shaken, almost destroyed the confidence of the people in the dis-

position of the legislature to place any constitutional restraint on its own usurped and abused power, no matter how urgently demanded by their constituents. The provision of the constitution, conferring the power upon the legislature of proposing amendments thereto, armed combinations hostile to reform with a strength more formidable than the veto of the executive. Its provisions, intended by the framers of the constitution, to enable the legislature to provide for simple and specific changes in the organic law, became the means by which the legislature was enabled to maintain its prerogatives against the voice of the people, and stave off all attempts of the majority to limit the wide and irresponsible range of its action.

In the anxiety that was felt on the subject of this amendment, and the indignation consequent upon its defeat, the public mind turned to other glaring abuses that had gradually crept into the administration of the State. The power assumed by the legislature, and justified by the Whig and a minor portion of the Democratic party, to create debts at will, unlimited in amount, and not payable by the present generation, was the most alarming abuse, and called most pressingly for restraint. In the period that elapsed between 1836 and 1842, a dynasty of Speculation had obtained power in the State, and had rapidly accumulated a debt of \$28,000,000. The Democratic party had, in a more moderate degree, countenanced this power; their opponents embraced it; enthroned it; swore loyalty to it; abandoned the public treasury to it; and not content with yielding up to it the means of the present generation, gave it through the medium of issues of public credit full power over the resources of posterity. The effect of the system was gradually to convert the freeholders of the State into tenants, paying semi-annual and quarterly rents to the holders of State stocks. In six years \$20,000,000 of State stocks were issued, in pursuance of a system which was to be perfected when the debt had swollen to \$40,000,000. It required but the lifetime of one generation to roll up the volume of public debt to a weight in proportion to the wealth of the citizens of the State, greater than that which now oppresses the people of G. Britain, and dooms two millions of her citizens to her work-houses and poor-law prisons.

To check this wild career of debt and speculation, to curb forever this dynasty of speculation and to shield the mass of the people and posterity from the exactions of this system or the social disorganization that must follow its explosion, was evidently the first and most pressing reform. There were, however, other threatening evils in our political organization, to be corrected and if possible eradicated. The currency of the people was furnished by the banks, and the legislatures which had given these institutions almost unlimited power to issue their paper as coin, had provided no simple, effectual guaranty for its redemption. Fluctuations of currency and prices, bank frauds, bankruptcy, and the heaviest taxation of labor, and a depravation of public morals consequent on all these, had resulted from this pernicious legislation, and called loudly for correction. In the creation of corporations of a business character, the legislature had given extraordinary privileges to individuals at the

expense of the mass, and had created powerful monopolies with which private labor and capital could not compete; and a vast portion of the wealth of the State had gradually passed from the hands of the people into the vaults of these soulless, irresponsible, unpatriotic creations of law. Municipal corporations infected with the spirit of extravagance and expenditure had plunged headlong into the career of debt, and added millions of local obligations to those of the State.

The legislature was burthened with business of a local and private character, and the singular spectacle was presented of a republican government which had surrendered many of its important functions to the federal head, engaged one-fourth or one-third of each year in keeping in action the various departments of its Administration.

The judicial system was believed by many to be defective in its organization, and continued but unsuccessful efforts had been made to modify and change the inferior tribunals. The court for the correction of errors was in the opinion of almost all men, unwieldy, unstable, expensive, and instead of a bulwark against legislative aggression, on the constitutional rights of the citizen became the ultimate justifier by its judicial affirmation of the legislative power, in whose aggressions it had taken part.

The immense patronage of the executive, extending over the whole State, and which had been constantly increasing from the adoption of the Constitution, became by its profligate use a dangerous power, and its abridgement was demanded to prevent its influence over the legislation of the State. It afforded a temptation irresistible to a weak or profligate possessor, of perpetrating his own power by constraining or overruling the public will. The gift of three hundred judicial officers, of fifty-nine surrogates, and a multitude of other officers, furnished the means of creating an official corps, subservient to the executive will, formidable in numbers and influence, and dangerous to popular liberty. The people were without any other guaranty than the character of the incumbent, that this power would not be made to interfere with legislation, and unfairly influence it, and that the executive instead of holding these official gifts as a high and sacred trust, to be bestowed without fear, favor or a hope of reward, should retain them in his hands so long as support could be purchased or fidelity corrupted by their appliance.

The convention of 1821, in ordaining that no member of the legislature should receive any civil appointment from the Governor and senate during the time for which he should have been elected, intended to prevent the influence of executive patronage upon legislation. But so customary had it become to evade or violate the spirit and intention of that instrument, that instances have occurred in which the executive failed to fill places held by pliant members, the term of which expired after election to the legislature, holding them tenants of his will, and at the expiration of the legislative term reappointing them to the place they had been constitutionally disqualified to fill.

In other instances official appointments have been reserved for those whose conduct gratified the dispenser of official patronage, until the

constitutional restriction had ceased to be a bar to executive favor.

The executive patronage, besides seeking these clandestine ways to avoid the constitution, had not unfrequently been dispensed at the sacrifice of public duty and party obligation for the benefit of its possessor and the profit and aggrandizement of his family. The degrading spectacle of the perversion of a public trust to the personal objects of its dispenser which is now so shamelessly exhibited at Washington, is not without its parallel in this State. The exhibition to the people of this official faithlessness to a public trust, is itself almost as demoralizing as the profligate exertion of the power of patronage among those in the immediate reach of its exercise.

To check the career of debt and consequent taxation; to provide a safe currency for the people; to stay the progress of corporate aggrandizement and abate the growth of monopoly; to return the power of local and private legislation to the people or their boards of supervisors in the several counties; to render more efficient the judicial system and separate it from legislation; to restore to the people to whom it belongs the exorbitant patronage of the executive, and to guard more effectually the places of legislation from the influence of self interest and the temptations of office, seemed to require the interposition of a convention, or at least the passage of a law submitting to the people to say by their votes whether they desired it or not.

Mr. Jefferson, an authority to which Democrats never appeal but with deference and respect, says:

" Each generation is as independent of the one preceding it as that was of all that had gone before. It has then, like them, a right to choose for itself the form of government it believes the most productive of its own happiness, consequently to accommodate to the circumstances in which it finds itself, that received from its predecessors; and it is for the peace and good of mankind that a solemn opportunity of doing this every nineteen or twenty years should be provided by the constitution, so that it may be handed on with periodical repairs from generation to generation, to the end of time, if any thing human can so long endure."

Impressed with these views, associations in various parts of the State were formed for the purpose of protecting themselves against the evils of bad government, and concentrating public opinion on the subject of a convention. Among others, this association was formed. Its action was confined to this single purpose, of asking the constituted authorities to pass a law to present to the people the question of Convention or No Convention.

All its members were Democrats, and they were careful to prevent the action of the association from endangering the success of any of the Democratic issues before the people. They regarded the Democratic party as the instrumentality through which all the preceding reforms of our system had been obtained, and they looked to its agency as the only means for the future progress of good government. In the fall of 1843, a committee of the association in pursuance of a resolution of a public meeting, waited on Governor Bouck, with a copy of the proceedings of

that meeting, and with the request that the executive would call the attention of the legislature to the subject of reform, and would recommend the passage of a law giving to the people, as in 1821, the opportunity of deciding whether a Convention should be called or not. The Governor as appeared by his subsequent message, refused to recommend this appeal to the people, and regarded the two houses of the legislature as the only proper tribunal for the settlement of the question of Reform. Under the influence of the renewed agitation of this subject, and of the impending call for a State Convention, the executive message, however, indicated some recollection of the issues before the people in the contest of 1842. That message recommended, in general terms, the passage of some such amendment as that of Mr. Loomis's, and an undefined amendment of the judicial system. It was silent on the subject of the retrenchment of executive patronage, the placing of restrictions on the banks to protect the people from failure, and the various other subjects which had agitated the public mind.

The action of the legislature in the session of 1844, was exceedingly important to the friends of reform. It rejected the consideration of a law to submit the question of a Convention to the people. It maintained in effect that the legislature was the only proper authority, if it did not exclusively possess the power, to adjust the balance of government and settle the limits in which its several departments should act. Proceeding on this assumption, it commenced at the work of constitutional amendment, and of several resolutions which its committee brought before it, it passed through both houses of the legislature five distinct amendments. The first and most important are those which relate to the subject of State debt and liability, and are as follows:

#### AMENDMENT No. 1.

The pledges and guaranties of the act entitled "An act to provide for paying the debts and preserving the credit of the State," passed March 29, 1842, are hereby confirmed, and the revenues specified therein, shall be applied to the purposes therein specified, including the payment to the United States Deposite Fund and to the Common School Fund of all moneys of the said funds, which have been, or shall be, invested in pursuance of the said act, in such equal annual sums as will be sufficient to pay in full, both principal and interest, all the debts and liabilities of this State, as they existed at the time of the passage of the said act; and also all the debts and liabilities of the State, authorized by said act to be created and incurred, and which have been created and incurred by authority of and pursuant to said act, in the period of twenty-two and a half years from the time said act was passed and took effect; and the legislature shall not divert any part of the revenues appropriated by said act requisite to pay in full, both principal and interest, all the debts and liabilities of the State herein before specified, within the fixed period of time and in the equal annual sums herein before expressed, from the purposes to which they are herein before directed to be applied.

#### AMENDMENT No. 2.

The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, of the State, direct or contingent, which shall singly, or in the aggregate, at any time, exceed one million of dollars, except to repel invasion, or suppress insurrection, unless the same shall be authorized by a law for some single object or work, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax sufficient to pay the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within eighteen years from the time of the contract-

ing thereof; and no such law shall take effect until it shall, at a general election, have been submitted to the people, and have received the sanction of a majority of all the votes cast for and against it at such election. And on the final passage of every such bill, in either house of the legislature, the question shall be taken by ayes and nays duly entered on the journal, and shall be—"shall this bill pass, and ought the same to receive the sanction of the people?" And the assent of a majority of the members elected to each house of the legislature shall be requisite to the passage of such bill, and such law shall be irrepealable until such debt or liability and the interest thereon are fully paid and discharged. And the moneys arising from any loans or stocks creating such debt or liability shall be applied to the object or work specified in the act authorizing such debt or liability, or for the payment of such debt or liability, and to no other purpose whatever. Where a debt or liability on the part of the State shall be created to repel invasion or suppress insurrection, the moneys arising from the loans or stocks creating such debt or liability shall be applied to the purpose for which the same were raised, or for the repayment of such debt, or liability, and to no other purpose whatever.

The others provide for the appointment of three associate chancellors in the Court of Chancery and two additional justices of the Supreme Court; for depriving the Executive and Senate of the power of removing a judicial officer, except for cause stated and upon due notification to such officer, and after affording him the opportunity to be heard in defence; a provision dispensing with the qualification of a free-hold in persons elected as Senators.

The first resolution above quoted, embodying two amendments on the subject of debt and expenditure, is of great value and importance to the people. It is more comprehensive than the Peoples' Resolution first offered to the Legislature of 1841, and in its second section it provides a constitutional guaranty to the policy of 1842, strong enough to place it above the reach of legislative combination, and beyond the danger of temporary delusion or inaction in the public mind.—It has thus far passed through but a preliminary step in its progress, before it can be embodied in the constitution. Before its final perfection as an amendment it has yet to receive the votes of two-thirds of each branch of the Legislature, and then again be subjected to the people for their approval. The latter test we do not fear. But there is much in the history of its passage in the Legislature of last year which gives room to serious doubt whether it will ever be permitted to reach the people. The first step of its progress as an amendment was met by the same combinations of a portion of the democratic vote with the whole whig phalanx that had defeated it in the previous legislatures, and some who finally voted for its passage avowed the continuance of their hostility to it, and pledged their exertions against it in the succeeding legislature and at the polls.

It has however been passed, and it is the duty of the democratic party to renew their exertions to secure, in the succeeding legislature, that vote for it which will permit it to be brought before the people for the final passage of their judgment upon it. The agitation of this question by the democratic party since 1841, the avowals of attachment to it, the success and popular confidence that these avowals have won, will render any faithlessness or abandonment on the part of the democratic representatives in the ensuing legislature, by which this great reform shall be lost, an act of ingratitude and treason to the people that will call upon the democratic

party their severest judgment and their unrelenting condemnation. It will be the duty of every member of the Democratic party, (and we earnestly urge this consideration on the friends of Reform,) to pledge every Democratic candidate for the office of representative in either house of the Legislature, to sustain by his presence, his vote and exertions, the passage of this amendment, and to regard no candidate as a democrat who will hesitate to avow his readiness to do so. By the adoption of this course, we will go into the contest of the fall, faithful to the past and recognized issues of the party, and with the evidence of a determination not to capitulate to a selfish, exacting and factious minority.—Thus only can we ensure that confidence on the part of the people in the Democratic party which will enable it to consummate by future legislation this important guarantee to the rights of the people. Thus only can we retain that confidence on the part of the people, which, should this measure be defeated by our Federal opponents will enable us to secure its passage in a Constitutional Convention.

The other measures of reform, to aid in securing which this association was organized, have, with the exception of two imperfect propositions of amendment to the judiciary system, failed of a passage in the legislature. These should not be lost sight of, nor should the friends of these measures intermit their exertions to fix the public mind upon their necessity and importance. The passage of the great and pressing question of a restriction of the legislative power over the credit of the people, has only been thus far secured after four years of agitation, under the pressure of excited public feeling, and in the fear of the passage of a law which would throw into the hands of the people, the whole system of our government for re-organization and for the extirpation of the abuses which had grown up upon it.

The reform of a vitiated and imperfect currency—the abatement of the system of corporate monopoly—the restriction of the power of municipal corporations—the restoration to the people of the patronage of office and of local legislation—the securing of prompt and cheap justice from the law tribunals, are objects which must in their nature encounter much opposition, and require, as they deserve, great and unremitting labor. The passage of the anti-debt resolutions, should they finally be adopted, indicates how such labors are effective. Should these fail of passage, they will add another and we believe irresistible argument to the claim which the people have put forth for a Constitutional Convention.

This association invites the friends of Reform to the agitation of the several questions of which we have spoken, and to action and renewed exertions to consummate the important measures which have already been initiated; and they recommend to the friends of Constitutional Reform in other counties to appoint committees from their numbers to correspond with the several associations of the State, for the purpose of concentrating public opinion on this subject and to give by combined effort efficiency to the Cause.

WM. W. FORSYTH, Ch'n.

F. H. HASTINGS, Sec'y.



